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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,414	01/04/2002	Pedro Sarmiento	47671/AW/Q8	7404

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EXAMINER

HARAN, JOHN T

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,414	SARMIENTO, PEDRO	
	Examiner	Art Unit	
	John T. Haran	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8 and 10-57 is/are pending in the application.
- 4a) Of the above claim(s) 8 and 15-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-7, 19, 28, 30, 31, 35-41 and 45-57 is/are allowed.
- 6) ☒ Claim(s) 10-14, 29, 32-34 and 42-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 8/3/04. The majority of the 112 rejections of the claims are withdrawn.

Drawings

2. The amended drawings filed on 8/3/04 are accepted.

Claim Objections

3. Claims 5-7, 14, 19, 28, 35, 36, and 57 are objected to because of the following informalities:

In claim 5 it appears there should be an - - a - - before "power level".

In claim 6 it appears there should be an - - a - - before "welding cycle".

In claim 7 it appears there should be a - - the - - before "light pipe".

In claim 14 it appears there should be a - - the - - before "light pipe", "mask", "components", and "reflector".

In claim 19 it appears the semicolon after "comprising" should be a colon.

In claim 28 it appears the semicolon after "comprising" should be a colon.

In claim 35 it appears the semicolon after "comprising" should be a colon.

In claim 35 it appears there should be an - - a - - before "remaining region".

In claim 36 it appears the phrase "configure a cavity" should read - - configured to have a cavity - -.

In claim 57 it appears the semicolon after "comprising" should be a colon.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 13 as amended now requires both movable means for moving the nest relative to the light pipe and for moving the light pipe relative to the nest. This appears to be new matter not described in the application as originally filed. The specification teaches two species: a first embodied in Figures 1a and 1b wherein the light pipe is fixed and the nest is attached to a movable plate and a second embodied in Figures 2a and 2b wherein the nest is fixed and the light pipe is attached to a movable plate. There does not appear to be a teaching wherein both the light pipe and the nest are attached to movable plates and move relative to each other. One skilled in the art at the time the invention was made would not have understood applicant to have had possession of a movable means for moving the nest to the light pipe in conjunction with a movable means for moving the light pipe to the nest, as currently claimed, at the time the application was filed.

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6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10-14, 29, 32-34, and 42-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As previously noted in the prior office action, claim 10 is indefinite because it is unclear if the structural support in line 6 is the same or different as the one in line 7? Neither the specification nor the figures indicate that the photon source is held in place by a structural support. It appears Applicant is saying that the light pipe (105) is held in place by element 122 and is connected to a base (121?) by element 124. It is suggested to amend the claim to state such.

In addition there is a lack of antecedent basis for "the reflector" in claim 10.

Claims 29 and 32-34 are indefinite because they are method claims that depends from an apparatus claim. It appears claims 29 and 32-34 should depend from claim 28 and not claim 25.

There is a lack of antecedent basis for "reflector" in claim 42. It appears the claim should depend on claim 41 and not claim 35.

There is a lack of antecedent basis for "the cooling means" in claim 43. It appears the claim should depend on claim 40 and not claim 35.

There is a lack of antecedent basis for "the cooling means" and "the reflector" in claim 44. It appears the claim should depend on claim 42 and not claim 35.

Allowable Subject Matter

8. Claims 10-14, 29, 32-34, and 42-44 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claims 3-7, 19, 28, 30, 31, 35-41, and 45-57 are allowed.

10. The following is an examiner's statement of reasons for allowance:

Regarding claims 19, 28 and 35, the prior art of record fails to suggest a photon welding apparatus or method comprising, in combination with the other claimed limitations, a light pipe with a mask that consists of a reflective coating coated on one end wherein the pattern of the mask defines a weld location so that when the light pipe contacts the work piece only surfaces of the end of the light pipe that do not contact the work piece are coated with the mask.

Regarding claims 10 and 57, the prior art of record fails to suggest a photon welding apparatus, in combination with the other claimed limitations, a light pipe with a mask on one end that selectively covers the end of the light pipe.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

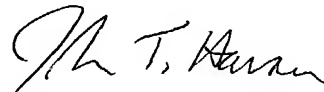
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran
Examiner
Art Unit 1733